

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
SAN FRANCISCO BAY REGION

ORDER NO. 91-146

NPDES PERMIT NO. CA0029831

WASTE DISCHARGE REQUIREMENTS FOR:

ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 7 OF THE ALAMEDA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, COUNTY OF ALAMEDA, CITY OF ALAMEDA, CITY OF ALBANY, CITY OF BERKELEY, CITY OF DUBLIN, CITY OF EMERYVILLE, CITY OF FREMONT, CITY OF HAYWARD, CITY OF LIVERMORE, CITY OF NEWARK, CITY OF OAKLAND, CITY OF PIEDMONT, CITY OF PLEASANTON, CITY OF SAN LEANDRO, and CITY OF UNION CITY, which have joined together to form the ALAMEDA COUNTY URBAN RUNOFF CLEAN WATER PROGRAM

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter referred to as the Regional Board) finds that:

1. The Alameda County Flood Control and Water Conservation District (District), Zone 7 of the District, County of Alameda, and the 14 incorporated cities in the County which include the City of Alameda, City of Albany, City of Berkeley, City of Dublin, City of Emeryville, City of Fremont, City of Hayward, City of Livermore, City of Newark, City of Oakland, City of Piedmont, City of Pleasanton, City of San Leandro, and City of Union City (hereinafter Dischargers) have joined together to form the Alameda County Urban Runoff Clean Water Program (hereinafter the Program), and have submitted a NPDES permit application package, dated June 28, 1991, for issuance of waste discharge requirements under the National Pollutant Discharge Elimination System (NPDES) to implement "A Storm Water Management Plan for the Alameda County Urban Runoff Clean Water Program" dated June 28, 1991, amended August 28, 1991, (hereinafter the Plan).
2. The permit application included the Plan, the Alameda County Nonpoint Source Study Interim Report (dated July 26, 1990), and the "Agreement to Implement the Alameda County Urban Runoff Clean Water Program" (Agreement) dated August 7, 1991.
3. The Dischargers have jurisdiction over and/or maintenance responsibility for storm drains and watercourses in Alameda County, (See attached County Map Attachment A). Discharge consists of rainfall runoff generated from various land uses which either discharge directly to San Francisco Bay or to watercourses tributary to San Francisco Bay. The three major natural drainage watersheds in Alameda County are the San Leandro Creek Basin, the San Lorenzo Creek Basin, and the

Alameda Creek Basin. There are a number of a number of other smaller watersheds, particularly in the northern part of the County, (See attached County Map, Attachment A).

4. Alameda County encompasses 738 square miles of land bordering the East Bay Shoreline of San Francisco Bay. The total population of Alameda County is approximately 1,280,000 according to the 1990 census results. Land use in the county ranges from highly industrialized areas to large segments of open space, agricultural and undeveloped lands. Most rainfall is received in winter months.
5. The Regional Board amended its Water Quality Control Plan for the San Francisco Bay Region (Basin Plan) in December 1986. The State Water Resources Control Board (hereinafter the State Board) approved the Basin Plan in May 1987. The Basin Plan requires local agencies in Alameda County to investigate sources of pollutants in urban runoff, estimate pollutant loads, and evaluate and implement control measures. The provisions of this permit are consistent with the amended Basin Plan.
6. The Basin Plan lists the following existing beneficial uses for Central, Lower and South San Francisco Bay which receive storm water runoff from Alameda County:
  - a. Industrial Service Supply
  - b. Industrial Process Supply (Central Bay only)
  - c. Navigation
  - d. Water Contact Recreation
  - e. Non-contact Water Recreation
  - f. Ocean Commercial and Sport Fishing
  - g. Wildlife Habitat
  - h. Preservation of Rare and Endangered Species
  - i. Fish Migration
  - j. Fish Spawning (Central Bay an existing use; Lower and South Bay a potential use)
  - k. Shellfish Harvesting
  - l. Estuarine Habitat
7. The Basin Plan also lists the existing and potential beneficial uses for several creeks in Alameda County. Using Alameda Creek, San Leandro Creek and San Lorenzo Creek as examples, the following beneficial uses are listed:
  - a. Municipal and Domestic Supply (San Lorenzo Creek only)
  - b. Agricultural Supply (Alameda Creek only)
  - c. Ground Water Recharge (excludes San Leandro Creek)
  - d. Fresh Water Replenishment (San Lorenzo Creek only)
  - e. Water Contact Recreation
  - f. Non-contact Recreation (excludes San Leandro Creek)
  - g. Warm Fresh Water Habitat (Alameda and San Lorenzo Creek an existing use; San Leandro Creek a potential use)
  - h. Cold Fresh Water Habitat (excludes San Leandro Creek)

- i. Wildlife Habitat
  - j. Fish Migration (excludes San Leandro Creek)
  - k. Fish Spawning (excludes San Leandro Creek)
  - l. Estuarine Habitat (only in San Leandro Creek as a potential use)
8. In mid 1987, representatives from the 14 cities in Alameda County, Alameda County, and the District including Zone 7 met with Regional Board staff to determine how to comply with the Basin Plan requirements. Subsequently, a Task Force committee was established and the District was assigned the role of coordinating and managing the program.
  9. In May 1988 the Dischargers submitted a study plan to the Regional Board which provided descriptive information and a plan to monitor and model storm water quality and flows. In July 1990, an interim report summarizing data collected through April 1990 was prepared. The data show that the concentrations of copper, and occasionally lead and zinc, in storm water runoff exceed EPA's acute ambient water quality criteria for these metals. The final report on the monitoring, modeling, and loads assessment is scheduled for completion by October 1991.
  10. Section 402(p) of the Clean Water Act (CWA), as amended by the Water Quality Act of 1987 (WQA), requires NPDES permits for storm water discharges from separate municipal storm drain systems and prohibits non-storm water discharges into these systems. On November 16, 1990, EPA published regulations for storm water discharges pursuant to Section 402(p) of the CWA. The Plan submitted in the permit application package was prepared to meet the Regional Board's Basin Plan requirements and to satisfy EPA's regulations on applying for a NPDES permit for storm water discharges from separate municipal storm drain systems.
  11. The Plan provides the basis of a phased and tiered approach over the next five year period to reduce the discharge of pollutants to municipal storm drains to the maximum extent practicable. The Plan emphasizes pollution prevention activities through the following major program components:
    - o Overall Program Management
    - o Description of Existing Legal Authority and Plan for Improvement
    - o Evaluation of Controls Proposed in the Storm Water Management Plan
    - o Public Information/Participation
    - o New Development and Construction Site Controls
    - o Municipal Government Activities
    - o Illicit Discharge Identification and Elimination
    - o Industrial Discharges Identification and Runoff Control
    - o Urban Runoff Monitoring
    - o Storm Water Treatment

12. The Plan emphasizes incorporating storm water pollutant controls into established programs as much as possible in order to maximize the use of existing resources, to minimize the risk of creating redundant and overlapping regulatory programs, and to expedite implementation of the Plan.
13. The Plan is an integral and enforceable component of this Order. The title page and table of contents of the Plan are included in Attachment B of this Order. The Plan and other information contained in the Dischargers' application package are found by the Regional Board to satisfy EPA's NPDES permit application requirements for municipal storm water discharges.
14. The roles and responsibilities of the Dischargers in implementing the Program are described in the Plan and Agreement as follows:
  - a. Cities and Alameda County unincorporated areas): are responsible for adopting and enforcing ordinances and implementing recommended pollutant control measures for the control of the discharge of pollutants to their municipal storm drains and conveyance systems that they own and operate. The pollutant control measures are described in the Plan.
  - b. District: is responsible for adopting and enforcing ordinances and implementing recommended pollutant control measures for the control of the discharge of pollutants to flood control channels and other facilities which it owns and operates. The pollutant control measures are described in the Plan.
  - c. General Program: comprises activities described in the Plan which provide a benefit to the Dischargers as a group. These activities include such things as monitoring, some aspects of public information and participation, and compiling and coordinating biannual report submittals to the Regional Board, etc. The District will be responsible for administering these activities as described in the Agreement.
15. The Regional Board will consider issuing a General Industrial NPDES permits for storm water discharges from industrial sites, and also will consider issuing separate NPDES storm water permits to such federal, state or regional entities (such as Alameda Naval Weapons Station, CALTRANS, etc.) in Alameda County which may not be subject to direct regulation by the Dischargers.
16. The Dischargers may petition the Regional Board to require a separate NPDES permit of any discharger of non-storm water into storm drain systems that they own and operate which does not comply with requirements established by the Dischargers.

17. The issuance of waste discharge requirements for this discharge and the implementation of all pollutant control measures described in the Plan are exempt from the provisions of the California Environmental Quality Act (CEQA); Chapter 3 (commencing with Section 21100) of Division 13 of the Public Resources Code in accordance with Section 13389 of the California Water Code and as provided in categorical exemption classes 1, 4, 5, 7, 8, 9, and/or 21 of the CEQA Guidelines (Title 14, California Code of Regulations Sections 15301-15329).
18. The Regional Board will notify interested agencies and interested persons of the availability of reports, plans, and schedules submitted in response to requirements of this Order and may provide them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations. The Board will consider all comments and may modify the reports, plans, or schedules or may modify this Order accordingly.
19. The Regional Board has notified the Dischargers and interested agencies and interested persons of its intent to prescribe waste discharge requirements for this discharge and has provided them with an opportunity for a public hearing and an opportunity to submit their written views and recommendations.
20. The Regional Board, at a properly noticed public meeting, heard and considered all comments pertaining to the discharge.
21. This Order serves as a National Pollutant Discharge Elimination System (NPDES) Permit pursuant to Section 402 of the Clean Water Act, or amendments thereto, and shall become effective ten days after the date of its adoption provided the Regional Administrator, EPA, has no objections.

IT IS HEREBY ORDERED that the Dischargers, in order to meet the provisions contained in Division 7 of the California Water Code and regulations adopted thereunder and the provisions of the CWA as amended and regulations and guidelines adopted thereunder, shall comply with the following:

A. Discharge Prohibitions

1. The Dischargers shall effectively prohibit discharge of non-stormwater through their systems into waters of the United States. NPDES permitted non-stormwater discharges are exempt from this prohibition. Discharges from the following activities will not be considered a source of pollutants to waters of the United States when properly managed - water line flushing and other discharges from potable water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising ground waters, infiltration to separate storm drains,

uncontaminated pumped ground water, foundation and footing drains, water from crawl space pumps, air conditioning condensation, springs, individual residential car washings, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges or flows from fire fighting, and accordingly will not be subject to the prohibition on discharges at this time.

2. The discharge of storm water containing pollutants which have not been reduced, through measures identified in the plan, to the maximum extent practicable is prohibited.

#### B. Receiving Water Limitations

1. The discharger shall not cause the following conditions to create a condition of nuisance or to adversely affect beneficial uses of waters of the State.

- a. Floating, suspended, or deposited macroscopic particulate matter, or foam;
- b. Bottom deposits or aquatic growths;
- c. Alteration of temperature, turbidity, or apparent color beyond present natural background levels;
- d. Visible, floating, suspended, or deposited oil or other products of petroleum origin;
- e. Toxic or deleterious substances to be present in concentrations or quantities which will cause deleterious effects on aquatic biota, wildlife, or waterfowl, or which render any of these unfit for human consumption either at levels created in the receiving waters or as a result of biological concentration.

2. The discharge shall not cause a violation of any applicable water quality objective for receiving waters contained in the California Ocean Plan, Inland Surface Water Plan, Enclosed Bays and Estuaries Plan, the Regional Board's Basin Plan. If different applicable water quality objectives are adopted after the date of adoption of this Order, the Board may revise and modify this Order as appropriate.

#### C. Provisions

1. The Dischargers shall demonstrate compliance with Discharge Prohibitions A.1 and A.2 and Receiving Water Limitations B.1 and B.2 through the timely implementation of control measures and other actions to reduce pollutants in the discharge in accordance with the Plan and any of its modifications, revisions, or amendments. The Plan is an enforceable component of this order. Each

of the Dischargers need only comply with permit conditions (including Discharge Prohibitions A.1. and A.2 and Receiving Water Limitations B.1 and B.2 as to discharges from the municipal separate storm drains for which they are operators.

2. Each Dischargers shall adopt requirements as described in the Plan that effectively prohibit non-storm water discharges into the storm drains and require controls to reduce the discharge of pollutants to the maximum extent practicable.
3. The Dischargers shall submit biannual technical reports which document the status of all of the general program and individual tasks contained in the Plan. The mid fiscal year tracking report will provide a progress report on the status of completion of the Plan tasks, problems encountered, and proposed solutions. The annual fiscal year-end report will be a detailed compilation of all of the deliverables and milestones completed as described in the Plan. These reports will be due by the following dates:

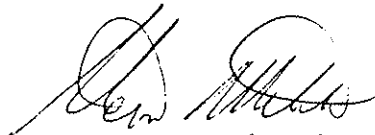
Mid-Fiscal Year Progress Report	March 1 each year
Annual Fiscal Year-End Report	September 1 each year

4. It is anticipated that the Plan may need to be modified, revised, or amended from time to time to respond to changed conditions and to incorporate more effective approaches to pollutant control. Requests for changes may be initiated by the Regional Board's Executive Officer or by the Dischargers. Minor changes may be made with the Executive Officer's approval and will be brought to the Board as information items. Such proposed changes shall be submitted to the Regional Board as technical reports as needed. If proposed changes imply a major reduction in the overall scope of effort of the program, such changes would be brought before the Regional Board as permit amendments.
5. This Order may be modified, or alternately, revoked or reissued, prior to the expiration date as follows:
  - a. to addressed changed conditions identified in the required technical reports or other sources deemed significant by the Regional Board;
  - b. to incorporate applicable requirements of statewide water quality control plans adopted by the State Board or amendments to the Basin Plan; or
  - c. to comply with any applicable requirements, guidelines, or regulations issued or approved under Section 402(p) of the CWA, if the requirement, guideline, or regulation so issued or approved contains different conditions or additional requirements not provided for in this Order. The Order as modified or reissued under this paragraph

shall also contain any other requirements of the CWA then applicable.

6. All applications, reports, or information submitted to the Board shall be signed and certified pursuant to EPA regulations 40CFR122.41(k).
7. This Order expires on October 16, 1996. The Dischargers must file a Report of Waste Discharge in accordance with Title 23, California Code of Regulations, not later than 180 days in advance of such date as application for reissuance of waste discharge requirements.

I, Steven R. Ritchie, Executive Officer, do hereby certify that the foregoing is a full, true, and correct copy of an order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on October 16, 1991.



Steven R. Ritchie  
Executive Officer

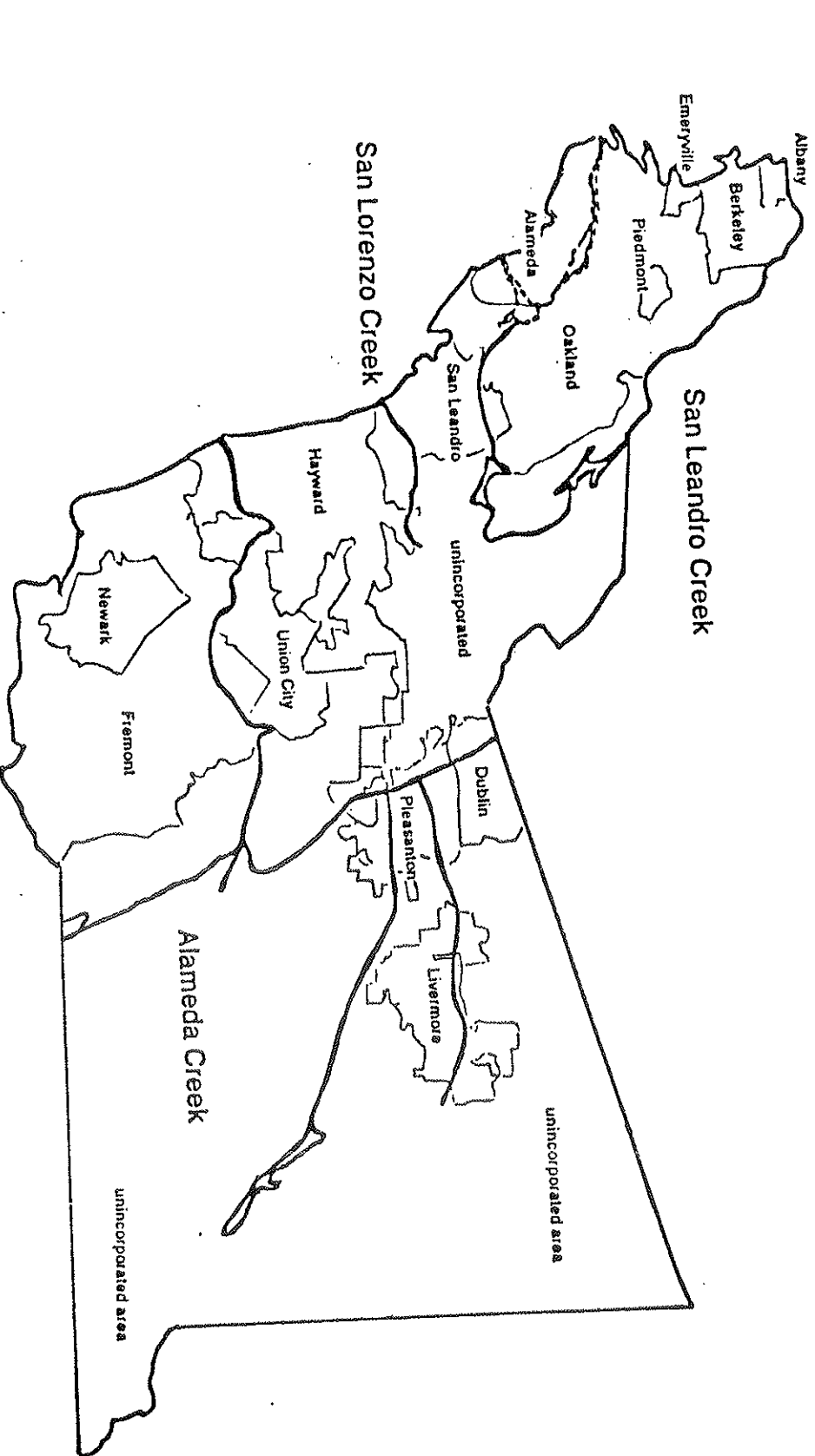
ATTACHMENT A - COUNTY MAP

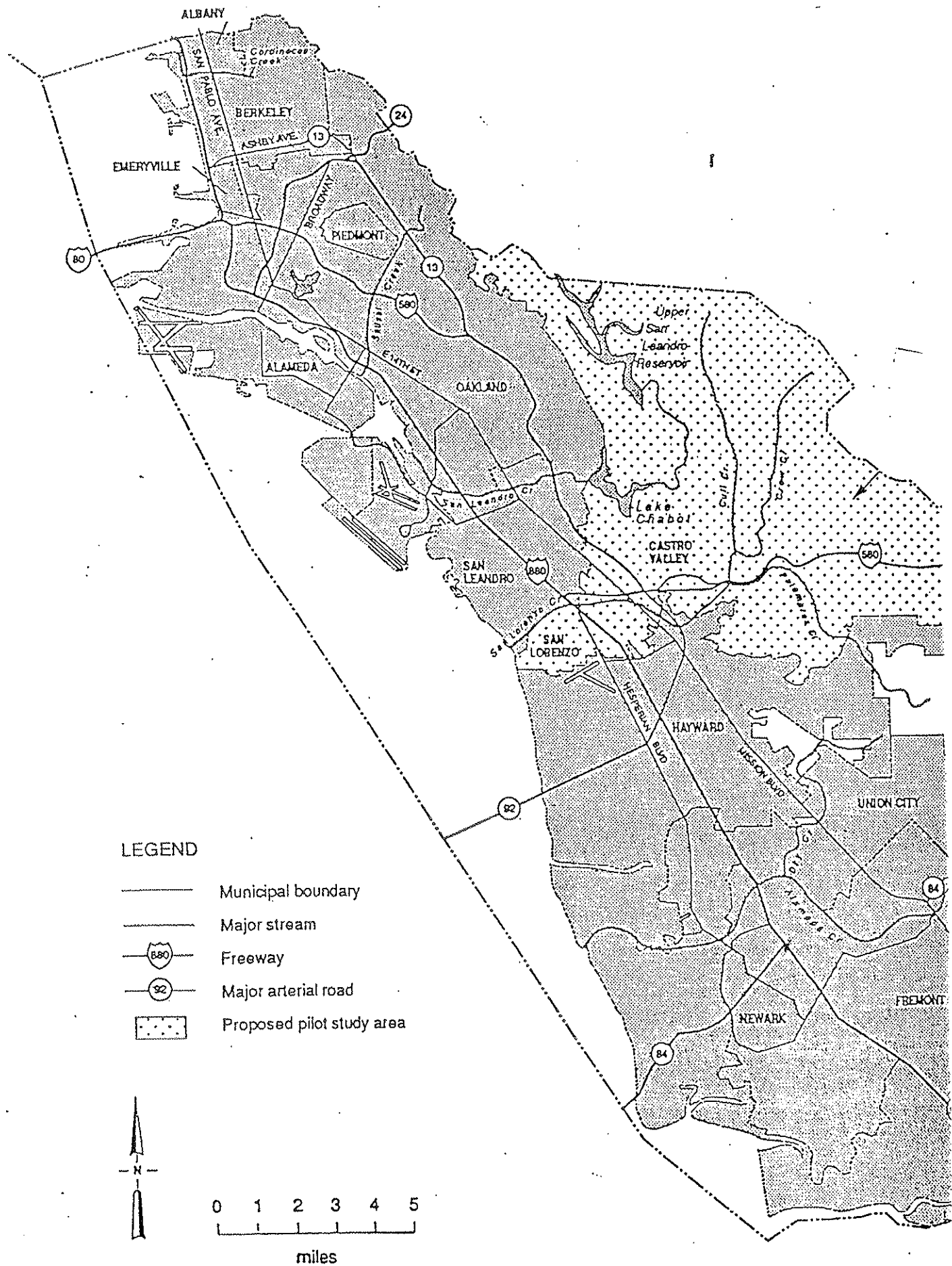
ATTACHMENT B - TITLE PAGE, TABLE OF CONTENTS  
A STORMWATER MANAGEMENT PLAN FOR THE ALAMEDA COUNTY  
URBAN RUNOFF CLEAN WATER PROGRAM

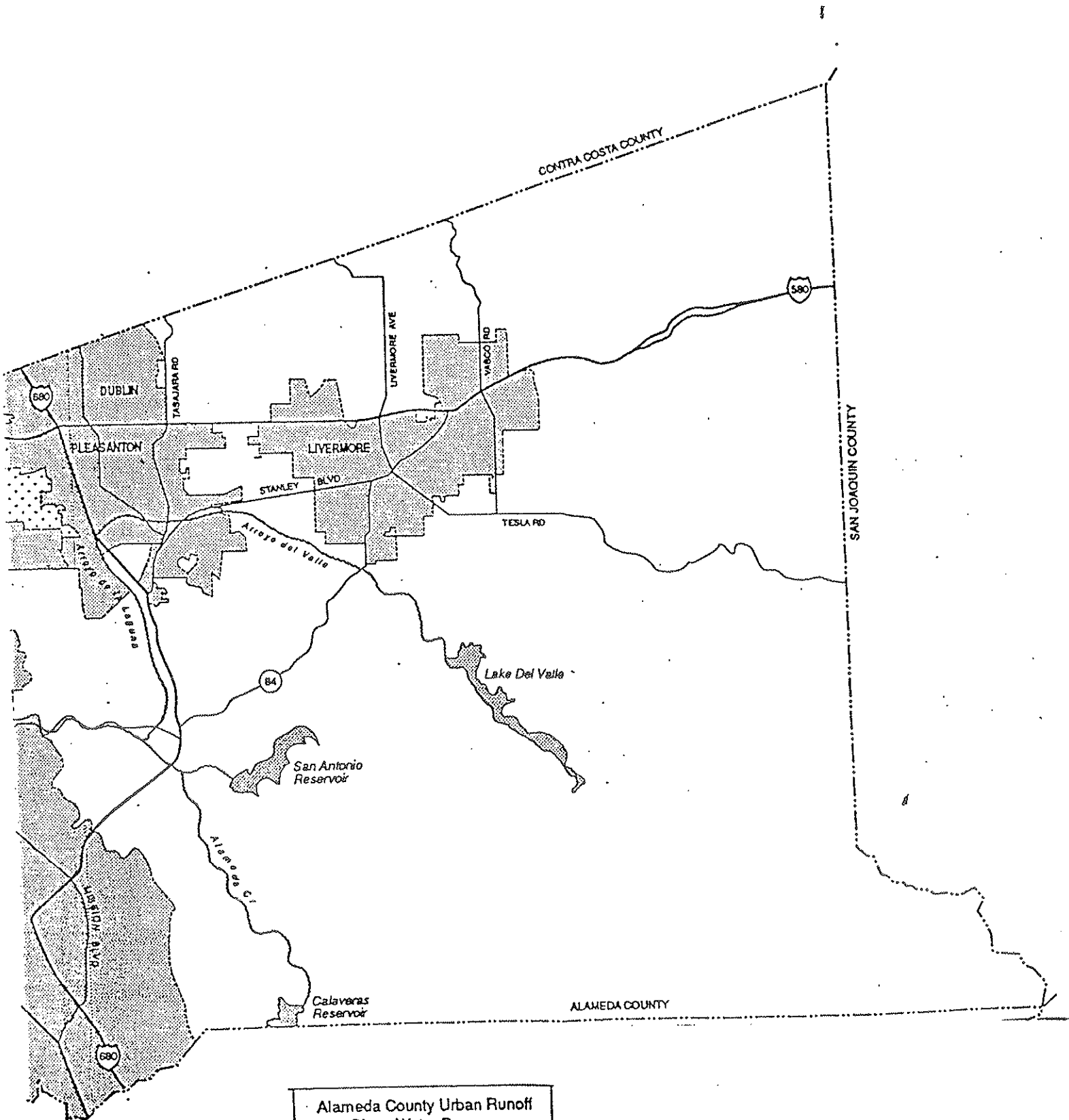


ATTACHMENT A

# Creeks in Alameda County with Existing and Potential Beneficial Uses







ATTACHMENT B

**A Storm Water Management Plan  
for the  
Alameda County  
Urban Runoff Clean Water Program**

**Final Draft  
June 28, 1991**

submitted by

**The Alameda County Urban Runoff  
Clean Water Program**

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